

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ralph Coleman, #145748,)	
a/k/a Ralph McDonnell Coleman,)	
)	
Petitioner,)	C.A. No. 6:07-3973-HMH-WMC
)	
vs.)	OPINION & ORDER
)	
Warden, Lieber Correctional Institution,)	
)	
Respondent.)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge William M. Catoe made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina. Ralph Coleman (“Coleman”), proceeding pro se, filed the instant federal habeas corpus petition pursuant to 28 U.S.C. § 2254 on December 13, 2007. Respondent filed a motion for summary judgment on May 23, 2008. In his Report and Recommendation, Magistrate Judge Catoe recommends granting Respondent’s motion for summary judgment and dismissing Coleman’s petition. For the reasons set forth below, the court adopts the magistrate judge’s Report.

Coleman filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate

judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that many of Coleman's objections are non-specific, unrelated to the dispositive portions of the magistrate judge's Report and Recommendation, or merely restate his claims. Coleman, however, does state one specific objection. Coleman objects to the magistrate judge's finding that his motion is successive because "he did not discover these issues until one month prior to his filing this action." (Objections 1.) As the magistrate judge explains, however, before Coleman can file a successive application, he must file a motion in the appropriate court of appeals for an order authorizing the district court to consider the application. (Report & Recommendation 11); see also 28 U.S.C. § 2244(b)(3)(A). Coleman has failed to take the necessary steps in order for the court to consider a successive motion. As such, his objection is without merit. After a thorough review of the magistrate judge's Report and the record in this case, the court adopts Magistrate Judge Catoe's Report and Recommendation.

It is therefore

ORDERED that the previous Order dated January 28, 2009, docket number 39, is rescinded; it is further

ORDERED that Respondent's motion for summary judgment, docket number 21, is granted; and it is further

ORDERED that Coleman's habeas corpus petition, docket number 1, is dismissed.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
February 12, 2009

NOTICE OF RIGHT TO APPEAL

The Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.